Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08/23/2006	Bureau/Station/Facility: FOR III/ Lakewood Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 006-22083-1334-032	Date: 08/23/2006 Time: 1516
City or Station: Bellflower	Nature of Incident: Deputy Involved Shooting
Location: Virginia Avenue North of Flower Street, Bellflower	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) — circled: **Street**
Other: ____

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights — circled: **Daylight**

Weather (*circle only one*): Clear, Cloudy, Fog, Rain — circled: **Clear**

Distance: 20-30 feet

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot — circled: **Fleeing Suspect**, **Foot Pursuit**
Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit — circled: **Call**

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol — circled: **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
4	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM / PM / Day	ShiftType (*circle only one*): Regular / Overtime / Off Duty
[redacted]	Gadut	Patrick	B.	PM	Overtime

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*): On Duty / Present during shooting / Witness to shooting / Involved in shooting
[redacted]	Quire	Joseph		On Duty

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Woolum	Josie	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Browne	Michael	L

PSTD Use Only
SH # ____

Officer Involved Shooting

URN: 006-22083-1334-032

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/23/2006	1630	08/24/2006	

Employee #	Last Name	First Name	M.I
[redacted]	McCray	Leonard	
[redacted]	Carr	Timothy	
[redacted]	Jennings	Rickey	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E	S	FH	BR	9	Y	Y	GS	LE
E	S	FH	BR	9	Y	Y	GS	HD
E	S	RS					NN	
E	S						NN	

SH-R-438A rev. 3/97

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 006-22083-1334-032

Involved Employee

E 1

Employee # [redacted]	Last Name: Joyce	First Name: David	M.I.: M
Sex: M Race: White	Rank: DSG	Unit Assignment: Lakewood	Work Assignment (Unit #, Module, etc.): Patrol, 136B
ShiftTime (*circle only one*): EM (PM circled) Day	ShiftType (*circle only one*): Regular (Overtime circled) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)	Other Factors: None
Age: 47 Height: 600	Weight: 230		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 3
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 006-22083-1334-032

Suspect Information

S 1

Last Name: SMITH	First Name: BRYAN	M.I.: D
AKA Last Name: SMITH	First Name: DWAINE	M.I.:

Sex: M Race: BLACK	Street Address: [redacted]	City	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #: UNK.	Driver's License #: NONE
Age: 20 D.O.B. 03/05/86	Height: 510 Weight: 160	FBI #: [redacted]	CII #: [redacted]
Booking #: 9176436	Primary Charge: ROBBERY	Secondary Charge: BURGLARY	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make: FORD TRUCK		Model: F350	Year: 1995

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED-HIT SHOOTING
IAB SH218604
URN 006-22083-1334-032

On August 23, 2006, at approximately 1625 hours, Sergeants Tim Carr, Leonard McCray and Lieutenant Ricky Jennings of Internal Affairs Bureau responded to Flower Street and Virginia Avenue, Lakewood (Lakewood Sheriff's Station area) regarding a Deputy-Involved Hit Shooting. Sheriff's Homicide Bureau Investigators Phillip Guzman and Boyd Zumwalt responded to the location and took control of the criminal investigation.

On August 23, 2006 at approximately 1516 hours, an armed robbery occurred at the "Access Cellular " store located at 9541 Flower Street in the city of Bellflower. Suspects Christopher Hines, Male Black 43, and Dwayne Smith, Male Black 20, entered the location and robbed the victims of seven hundred dollars, miscellaneous jewelry, shoes, and cellular phone accessories. Suspect Hines carried a knife and Suspect Smith simulated a handgun in his waistband.

The Suspects exited the location and entered a U-Haul truck driven by Suspect John English, Male Black 43. The Suspects' vehicle drove westbound Flower Street away from the location. The victim called Lakewood Sheriff's Department and advised them of the armed robbery and gave a description of the Suspects and their vehicle.

Lakewood Sheriff's Station deputies initiated a Code 9 (Surveillance Mode) on the Suspects' vehicle while they were stopped for the red signal at the intersection of westbound Flower Street and Clark Avenue. The Suspects' vehicle proceeded westbound Flower Street and abruptly stopped approximately two hundred and forty-three feet east of Virginia Avenue.

As the deputies began giving commands to the driver and sole occupant of the vehicle (Suspect English), they saw the rear cargo door of the U-Haul truck was open slightly, allowing them to see the tennis shoes of the Suspects (Hines and Smith) walking around in the cargo area. The deputies ordered the Suspects in the cargo area to raise the rear door and exit the vehicle. The Suspects exited and were ordered to lay on the ground. The Suspects began to lie on the ground and then jumped up and ran westbound Flower Street.

Suspect Hines ran a few feet, turned northbound, and climbed over a chain link fence into a Ramona Elementary School yard. Suspect Smith continued running westbound on Flower Street toward Virginia Avenue. Deputy David Joyce was blocking traffic at the intersection of Flower Street and Virginia Avenue to stop oncoming traffic from being involved with the felony traffic stop.

Deputy Joyce exited his vehicle, pointed his weapon at Suspect Smith and ordered him to stop. Suspect Smith looked at Deputy Joyce and continued to run with his left hand in his pocket. Deputy Joyce ordered Suspect Smith to remove his hands from his pocket. Suspect Smith complied for a moment, then continued running with his hand in his pocket onto northbound Virginia Avenue. Deputy Joyce followed Suspect Smith northbound on Virginia Avenue.

As Deputy Joyce was following Suspect Smith, Deputy Gadut turned onto northbound Virginia Avenue driving his radio car. Deputy Gadut drove on the far east side of Virginia Avenue, paralleling Deputy Joyce as he was following Suspect Smith in the middle of the street. Suspect Smith looked back at Deputy Joyce as he was running and had his left hand in his left pocket.

Suspect Smith reached deeper into his left pocket and continued to look at Deputy Joyce. Deputy Joyce, believing Suspect Smith was going to retrieve a handgun, fired two rounds from his weapon at the Suspect. The rounds missed the Suspect and he continued to run away. Deputy Gadut heard the two gunshots and continued to drive along the east side of Virginia Avenue.

As Suspect Smith was running, he turned toward the west side of Virginia and ran on to the driveway of a residence. Suspect Smith made a quick turning motion to his left, with his left hand inside his left pocket and faced Deputy Joyce. Deputy Joyce, again believing Suspect Smith was going to retrieve a handgun, fired two rounds from his handgun and struck the Suspect on his right wrist and right thigh.

The Suspect immedially fell to the ground. Deputy Gadut handcuffed him without further incident as Deputy Joyce provided cover. The Suspect was transported to Long Beach Memorial where he was treated for his injuries. All three Suspects were arrested for Armed Robbery and Burglary. Refer to **Exhibit A,** Homicide Book **pages 1 through 38** for the criminal and supplemental reports.

INVOLVED PERSONNEL:

Joyce, David, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

EMPLOYEE WORK HISTORY:

Date of Employment
Date assigned to Patrol
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

[redacted]

SUSPECT:

Smith, Dwayne   MB/03/05/1986   Bk. # 9176550

Suspect Smith identified himself as an "Original Hood Crip" Gang Member and has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed [redacted]

WITNESSES:

Sworn:

Gadut, Patrick, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Moore, Gregory, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Pollaro, Donald, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Vande Vegte, Ronald, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Gomez, Ted, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Suarez, George, Deputy #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Seelhorst, Wilbert, Sergeant #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

Scroggins, Jeff, Lieutenant #[redacted]
Field Operations Region III
Lakewood Sheriff's Station

CIVILIAN WITNESSES:



[redacted]

INJURIES:

Smith, Dwayne

Suspect Smith sustained 2 gunshot wounds to the following areas:
- One (1) gunshot wound to his right wrist (through and through, non-fatal)
- One (1) gunshot wound to his right thigh (through and through, non-fatal)

Suspect Smith was treated for his injuries at Long Beach Memorial Hospital by Doctors Gupta and Heard. The injuries were not life threatening and Suspect Smith was listed in stable condition. No bullets were located inside Suspect Smith's body. Suspect Smith was given an okay to book and transported back to Lakewood Sheriff's Station.

Suspect Smith was treated at the scene by Emergency Medical Technicians Morise and Erbe, Unit 3208. Refer to **Exhibit A,** inside the Homicide Book pages 18-19 and 167-168 for supplemental report and doctors observation on Suspect Smith's injuries.

Deputy Personnel:

No deputies were injured during the officer involved shooting.

Civilians:

No civilians were injured during the officer involved shooting.

PHYSICAL EVIDENCE:

Refer to Homicide Book, **Exhibit A**, **pages 102-103** for Physical Evidence gathered at the crime scene and processed by the Sheriff's Crime Lab. The Crime Lab report is located on pages **99-103** of the same exhibit. The crime scene sketches are located in the Homicide Book, **Exhibit A**, **pages 108-110**. Refer to the photographs of the crime scene in **Exhibit B**.

HOMICIDE INVESTIGATORS OBSERVATIONS:

The physical evidence at the shooting scene (location of the deputy's shell casings, bullet hole damage to the garage, evidence recovered at the scene) appears to be consistent with the deputies' versions of the event. Refer to Homicide Book, **Exhibit A**, pages **78-84** for Homicide's Supplemental Report of the scene. Also, refer to **Exhibit B** for photographs of the scene. There were no weapons recovered from Suspect Smith. The following items were recovered from Suspect Smith at the scene of the shooting, one (1) Monster Cable cord, the victim's wallet, and cell phone. Refer to **Exhibit A**, Homicide Book, **page 79** for the items recovered from the suspect at the scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Joyce, David, Deputy

Personally owned firearm; Beretta 92F, 9mm, serial #[redacted] four (4) rounds of duty issued 9mm ammunition were fired. Joyce carried his weapon with fifteen (15) rounds in the magazine and one (1) round in the chamber. Following the shooting, he had eleven (11) rounds in the magazine and one (1) round in the chamber. Only one (1) expended round was accounted for and located at the scene. Refer to Property Damage section for additional information. Also refer to the Crime Lab examination of Joyce's weapon (**Exhibit A**, from Homicide Book, lab receipt #J801364, **pages 104-105**).

WEAPONS USED BY SUSPECT:

No weapon was recovered from Suspect Smith. Refer to **Exhibit A,** inside Homicide Book, **pages 78-81** for the items recovered from the suspect.

PROPERTY DAMAGE:

The garage at [redacted] Laurel Street [redacted] was damaged with a small bullet hole on the bottom of the door, as a result of Deputy Joyce's shooting at the Suspect. Refer to **Exhibit A,** inside Homicide Book, **page 83**.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	**Detective Phillip Guzman #[redacted] (Homicide Bureau)** **Detective Boyd Zumwalt #[redacted] (Homicide Bureau)**
Court	**Norwalk Superior Court**
Charges Filed	**Robbery 211 P.C. and Burglary 459 P. C**,
Court Date	**June 26, 2007 (Trial)**
Case Number	**VA096959**

LIGHTING OR WEATHER CONDITIONS:

The weather was clear, dry and warm approximately 80 degrees at the time of the shooting (approximately 1523 hours). There is no mention of the weather conditions inside the Homicide Book

INVOLVED EMPLOYEES STATEMENTS:

Joyce, David, Deputy

Deputy Joyce was interviewed by Homicide Investigators Phillip Guzman and Boyd Zunwalt on Wednesday, August 23, 2006. Refer to **Exhibit A**, inside Homicide Book, **pages 63-65.** The following is a summary from an Internal Affairs Bureau interview conducted by Sergeants Tim Carr and Steve Flamm.

Deputy Joyce was working overtime in Unit 136 B PM shift, [redacted] hours (one person unit) on Wednesday, August 23, 2006. Deputy Joyce heard at approximately 1543 hours, over the Sheriff's radio that an armed robbery had occurred approximately one and one half miles from his location. Deputy Joyce drove eastbound Flower Street to Clark Avenue and stopped at the intersection.

Deputy Joyce saw the Suspects' vehicle directly across from him on Flower Street, facing westbound at the intersection of Clark Avenue and Flower Street. The Suspects' vehicle proceeded westbound on Flower Street with several Sheriffs' units behind it and as they passed him, Deputy Joyce made a U-turn and got behind the other Sheriff's units. As the Suspects' vehicle drove westbound on Flower Street, it stopped abruptly.

There were several Sheriffs' units behind the Suspects' vehicle, and a request was made over the Sheriff's radio for a unit to block the eastbound traffic at Flower Street and Virginia Avenue. Deputy Joyce acknowledged the request and drove westbound Flower Street, past the Suspects' vehicle and blocked the oncoming traffic. Deputy Joyce was aware that driving past the felony traffic stop was dangerous, however, he also was concerned for the citizens who were approaching the felony traffic stop from eastbound Flower Street at Virginia Avenue.

Deputy Joyce parked his radio car in the number one lane, with his emergency light on, on eastbound Flower Street, at the intersection of Flower Street and Virginia Avenue. As Deputy Joyce was inside his car blocking traffic, he was listening to the Sheriff's radio and heard that the rear cargo door of the Suspects' vehicle was opening and two Suspects were running westbound Flower Street. Deputy Joyce believed he was a safe distances away from the felony traffic stop and also had cover from being inside his radio car.

Deputy Joyce immedially placed his radio car in reverse and positioned it, on the westbound number two lane of Flower Street, to have a better visual of the Suspects and cover. Deputy Joyce positioned himself at the rear of his vehicle and saw both Supsects running west on the north sidewalk of Flower Street. Suspect Hines climbed over the chain link fence that separate Ramona Elementary School from Flower Street. Suspect Smith continued to run westbound Flower Street on the north sidewalk.

As Suspect Smith neared the intersection of Flower Street and Virginia Avenue, he placed his left hand inside his left pocket. Deputy Joyce exited from behind his vehicle, approximately two to four feet, and pointed his handgun at Suspect Smith ordering him to stop and remove his hands from his pockets. Suspect Smith was approximately twenty-five to thirty feet away from Deputy Joyce. Deputy Joyce said Suspect Smith briefly complied with his commands, slowed down and removed his hand from his pocket.

As Suspect Smith entered the intersection of Flower Street and Virginia Avenue, he turned northbound onto Virginia Avenue and again placed his left hand inside his left pocket and began to run slowly. As Suspect Smith was running, he was not pumping his right arm like someone would be doing if they were sprinting. Also, as Suspect Smith was slowly running away, his head turned back toward his left shoulder looking at Deputy Joyce following after him.

The following quote is from Deputy Joyce's transcribed interview on **pages 24-25.** Deputy Joyce spoke about seeing the Suspect with his hands in his waistband.

> Getting a gun out. I think he -- when I first -- the first two times I order him I thought, you know, he's gonna comply because, you know, hey, he sees me. I got the drop on him. He's complying. Oh, yeah, okay; you know? And then the next time I think, well, he's gonna punk me out but he doesn't turn his head. It's just, you know, he's always concerned where I'm at. He never ever just turns his head and runs, all right? He knows he's got the world there, he saw a bunch of police cars so he knows there's a lot of deputies. Why was he paying attention to me, you know? He should have just booked and ran and got on the next fence and jumped over whatever, but that didn't seem to be his intention. He was always cock-eyed towards me even when I shot down this way, he was down there looking at me. His left hand goes in his pocket and he's looking back at me.

Deputy Joyce said as Suspect Smith was slowly running in the middle of northbound Virginia Avenue, he was approximately twenty-five to thirty feet behind him. Deputy Joyce continually ordered Suspect Smith to stop running and remove his hand from his pocket, but he was not complying. Deputy Joyce said his gun was pointed at Suspect Smith during the entire time he was following him.

Deputy Joyce said he was not in foot pursuit with Suspect Smith. He described his movements as shuffling his feet back and forth, placing his left foot forward and making a slide movement with his rear foot. Deputy Joyce did not transmit any information over the Sheriff's radio that he was following Suspect Smith because Sky Knight was transmitting three different incidents. Sky Knight was transmitting Suspect Smith running on Virginia Avenue, Suspect Hines inside the school yard, and monitoring the felony traffic stop.

The following is a direct quote from **pages 45-47** from Deputy Joyce's transcribed interview about broadcasting his action on the Sheriff's radio and setting up a containment for Suspect Smith.

> Well, that would require radio traffic step in on this traffic already and it would just create a problem. I knew at the time I did not need a -- I had a complete visual of the individual. I did not need to set up containment at that time. He was still fluid. He wasn't stationary. He wasn't hunkering down so at that point in time, I didn't see any -- I knew all it would do is create problems trying to broadcast two foot pursuits. You can't broadcast them on the same channel.

No. I just I knew that there was too much radio traffic going on and just because you put out traffic doesn't mean you can't cover something more serious happening somewhere else. I had no idea what the deputies were doing and they're setting up their own containment and what Aero is directing them to do and the guy's coming back around and if the guy's engaging behind the building here or something like that, I knew my traffic, even if I'm shooting, is not going to be as serious as something else that may be going on. I didn't feel like I was, you know, out of control, I needed assistance or anything in like that. I just, you know, I knew, you know, just from the tactics this wasn't nothing new to me. I wasn't getting real excited. And so, no, I, you know, it just takes away your proper shooting position when you start using the radio.

As Deputy Joyce was following Suspect Smith, he thought about using a vehicle that was parked on the west side of Virginia Avenue for cover, but another vehicle was traveling southbound Virginia Avenue toward where the Suspect was running. Deputy Joyce believed if he used the vehicle for cover, it might have placed the vehicle traveling southbound Virginia Avenue in jeopardy. Deputy Joyce said the Suspect could have car-jacked the vehicle or he could have lost sight of the Suspect. The vehicle traveling southbound Virginia Avenue veered toward the west side of Virginia Avenue and parked while this incident was happening.

IAB Note: The vehicle was described as a Maroon Van with at least one occupant inside. After the shooting occurred, the van left the location. No other information was located.

As Deputy Joyce continued to follow Suspect Smith, Suspect Smith reached deeper into his left pocket while he looked at Deputy Joyce. Deputy Joyce, believing Suspect Smith was going to retrieve a gun and shoot him, fired two rapid shots from his duty weapon at the Suspect. The rounds did not strike the Suspect. Deputy Joyce said he immediately knew the rounds missed because his feet weren't flat on the ground.

The Suspect continued to run northbound on Virginia Avenue. Deputy Joyce said when he fired the first two rounds, there was no one on northbound Virginia Avenue. Deputy Joyce saw the school yard on the east side and residential homes on the west side of Virginia Avenue. Deputy Joyce said further north on Virginia Avenue he saw residential homes on both sides of the street. Deputy Joyce did not see Deputy Gadut's radio car the first time he shot at Suspect Smith.

Deputy Joyce said the Suspect continued to run northbound Virginia Avenue with his left hand still inside his left pocket. As the Suspect was running, he veered to the westside of Virginia Avenue, toward a garage and looked directly at it. Suspect Smith ran on to the driveway of the garage and then planted his left foot, turned his body around (in a umpire's type stance), and faced Deputy Joyce.

Suspect Smith reached into his waist area with his right hand. Deputy Joyce believed that Suspect Smith was going to retrieve a gun and shoot him, so Deputy Joyce fired two rounds from his duty weapon and struck Suspect Smith in the right hand and right thigh. The Suspect fell to the ground.

Deputy Joyce said that as he was preparing to shoot, he saw Deputy Gadut's radio car for the first time with his peripheral vision on the east side of Virginia Avenue next to him. Deputy Joyce said he did not see the deputy, just the front portion of the radio car. After the shooting occurred, Deputy Joyce had his duty weapon pointed at the Suspect. The Suspect was on the ground with his hands by his head, Deputy Gadut exited his radio car and handcuffed the Suspect without further incident. Refer to **Exhibit B** for photographs of the scene and **Exhibit C** for Deputy Joyce's signed map of the scene.

WITNESS STATEMENTS:

Gadut, Patrick, Deputy

Deputy Patrick was interviewed by Homicide Investigators Phillip Guzman and Boyd Zumwald on Wednesday, August 23, 2006. Refer to **Exhibit A,** inside Homicide Book, **pages 65-66.** The following summary is from an Internal Affairs Bureau interview conducted by Sergeants Tim Carr and Mike Berg.

Deputy Gadut was working overtime in Unit 132H PM shift, [redacted] hours, on Wednesday, August 23, 2006. Deputy Gadut heard at approximately 1543 hours, over Sheriff's radio that an armed robbery had occurred and that deputies were Code 9 (Surveillance Mode) at the intersection of Clark Avenue and Flower Street. Deputy Gadut arrived at the location and saw deputies conducting a felony traffic stop just west of the location on Flower Street.

As Deputy Gadut neared the traffic stop, he saw the rear cargo door of the Suspects' vehicle raise up and two Suspects jump out of the back. The Suspects ran westbound on the sidewalk of Flower Street. Deputy Gadut also saw that Deputy Joyce was parked at the intersection of Flower Street and Virginia Avenue and was alone. Fearing that the Suspects might harm him, Deputy Gadut drove westbound on the south side of Flower Street to Deputy Joyce's location to assist him.

As Deputy Gadut was driving to Deputy Joyce's location, he stopped at the felony traffic stop, along the south side of Flower Street, and saw the driver (Suspect English) of the Suspects' vehicle with his hands out of the driver's door window. He saw that there was only one Suspect inside the front cab of the vehicle, and because his hands were raised in the air, he believed he could drive past to give assistance to Deputy Joyce. Deputy Gadut also made sure he did not pass the Suspects as they were running westbound on Flower Street.

As Deputy Gadut approached Deputy Joyce's location, he saw Deputy Joyce exit his vehicle, point his gun at the suspect who was running toward him, and ordered him to stop running. The Suspect did not comply with Deputy Joyce's orders and continued running, turning onto northbound Virginia Avenue. Deputy Gadut said that Deputy Joyce was away from the radio car when he ordered the Suspect to stop running and did not use the radio car for cover.

Suspect Smith ran northbound on Virginia Avenue in the middle of the street as Deputy Joyce followed him. Deputy Gadut turned his radio car onto Northbound Virginia Avenue and drove along the east side of Virginia Avenue, paralleling Deputy Joyce. Deputy Gadut's radio car was approximately fifteen feet east of Deputy Joyce's position. As Deputy Joyce was running, he was paralleling the rear end of Deputy Gadut's radio car. Deputy Gadut said he tried to stay parallel to Deputy Joyce as he was running, but it was extremely difficult to monitor the speed of his vehicle and maintain a visual of Suspect Smith and Deputy Joyce.

Deputy Gadut saw Suspect Smith running northbound on Virginia Avenue with his hands inside his waist area. He also heard Sky Knight broadcast over Sheriff's radio that Suspect Smith was running with his hands inside his waist area. Deputy Gadut said as he was monitoring the speed of his vehicle to stay close to Deputy Joyce, watching the roadway and maintaining a visual of Suspect Smith, he heard two gunshots and immediately realized Deputy Joyce had fired his weapon at Suspect Smith.

Deputy Gadut said he did not see Deputy Joyce fire his weapon because Deputy Joyce was paralleling the rear end of his radio car from a distance of approximately fifteen to twenty feet east of him. Deputy Gadut said Suspect Smith was approximately twenty to twenty-five feet in front of Deputy Joyce, near the west sidewalk of Virginia Avenue at the time Deputy Joyce fired at him the first time.

Deputy Gadut did not see Suspect Smith when Deputy Joyce fired at him because he was watching the roadway. After the shooting, Deputy Gadut looked at Suspect Smith and saw him still running with his hands inside his waist area. Deputy Gadut said as Deputy Joyce shot at Suspect Smith, there were no other persons around the sidewalk area and beyond the sidewalk were residential homes and yards.

Deputy Gadut said Suspect Smith was never running fast like a sprint and that it was more like a jog or a trot. Deputy Gadut never saw the Suspect with a gun and never recovered a gun from him. Deputy Gadut said as the Suspect was running, he was looking back at Deputy Joyce with his head turned toward his left and his back facing Deputy Gadut. Deputy Gadut said Suspect Smith was never pumping his arms/hands when he was running, his hands were in front of his waist area.

Suspect Smith continued running northbound on the west sidewalk of Virginia Avenue, with his hands near his waist area. Deputy Gadut said as the suspect was running he (Gadut) was monitoring Deputy Joyce running after the Suspect northbound along the west side of Virginia Avenue, near the parked vehicles. He was also monitoring traffic conditions and keeping a visual of Suspect Smith. Deputy Gadut said he announced over the Sheriff's radio that a shooting had occurred. An announcement of an officer involved shooting was made over the Sheriff's radio, I was unable to determine if Deputy Gadut made the announcement. Refer to **Exhibit E** for the Sheriff's radio traffic of the incident.

Deputy Gadut heard two more gunshots and looked toward the west sidewalk and saw Suspect Smith fall down on the driveway of a garage of the residence at [redacted] Laurel Street (the garage is located on [redacted]). During this shooting, Deputy Joyce was several feet east of the west curb line of Virginia Avenue, approximately twenty-five to thirty feet in front of Suspect Smith.

Deputy Gadut was driving along the east curb line of Virginia Avenue approximately five to ten feet in front of Deputy Joyce. Deputy Gadut said the reason he was in front of Deputy Joyce was that he had trouble maintaining a consistent vehicle speed with Deputy Joyce's running speed, along with watching the roadway, and keeping a visual of Suspect Smith.

Deputy Gadut estimated he was approximately twenty to twenty-five feet behind Suspect Smith along the east side of Virginia Avenue. After Suspect Smith was shot and laying on the driveway cement, Deputy Gadut drove his radio car and stopped parallel with Suspect Smith, but still along the east side of the street. Deputy Gadut said the entire time he drove northbound Virginia Avenue, he estimated his vehicle speed to be approximately five to ten miles per hour.

Deputy Gadut exited his radio car and saw Suspect Smith laying on his back yelling and crying, with blood on his hands and face. Deputy Gadut saw Deputy Joyce a few feet in front of the Suspect pointing his hand gun at him and ordering him to lay on his stomach. Deputy Gadut asked Deputy Joyce if he had the Suspect covered and Deputy Joyce said, "Yeah I have him covered." Deputy Gadut holstered his weapon and handcuffed the Suspect without further incident. Deputy Gadut requested the Fire Department to respond to his location for the Suspect's injuries. Refer to **Exhibit B** for Photographs of the scene and **Exhibit C** for Deputy Gadut's signed map of the scene.

The following summary is from the audio portion of the interview with Deputy Moore with Sheriff's Homicide investigators Sergeant Martin Rodriguez and Detective Angus Ferguson on Wednesday, August 23, 2006. Refer to **Exhibit A,** inside Homicide Book **pages 90-91** for the Homicide Investigators written summary.

Moore, Gregory, Deputy

On August 23, 2006, Deputy Moore was working as an observer assigned in 130K, Sky Knight helicopter (Lakewood's Aero Unit). Deputy Moore heard over the Sheriff's radio that an armed robbery occurred in the Bellflower area. As Deputy Moore and his partner Pilot [redacted] were approaching the robbery location, they heard over the Sheriff's radio that several Lakewood Station deputies were Code 9 behind the Suspects' vehicle at Clark Avenue and Flower Street. Refer to **Exhibit E** for Sheriff's radio traffic of incident.

Once they arrived above the location, deputies requested over the Sheriff's radio that Sky Knight broadcast the Suspects' vehicle location. The Suspects' vehicle traveled approximately an eighth of a mile westbound on Flower Street, from Clark Avenue and then abruptly stopped. Deputy Moore saw two males running from the Suspects' vehicle, westbound on Flower Street. The Suspects (Hines and Smith) continued running westbound Flower Street and turned northbound onto Virginia Avenue. As Suspect Smith was running, Deputy Moore saw his right hand was near his waist area and his left hand was near his left pocket. Deputy Moore broadcasted over the Sheriff's Radio that Suspect Smith had his hands near his waist and advised the Deputies.

Suspect Hines was running on the eastside of Virginia Avenue and Suspect Smith was running in the middle of Virginia Avenue. Deputy Moore said during this time, Sky Knight was on a slow, low northbound flight over Virginia Avenue and Ramona Elementary School and park area. Deputy Moore saw one to two deputies running after the Suspects, along with a Sheriff's radio car following the Suspects. Deputy Moore was watching the Suspects run when he heard two to three gun shots. He saw Suspect Smith fall onto the sidewalk, on the westside of Virginia Avenue, just south of Laurel Avenue. Deputy Moore did not see the deputy shoot at Suspect Smith, nor did he see any mussel flash from the deputy's handgun.

Deputy Moore saw several deputies handcuffing Suspect Smith, and then turned his attention to Suspect Hines who had climbed over the chain link fence from eastbound Virginia Avenue into the Ramona Elementary School yard and park area. Suspect Hines ran around the school area for a couple of minutes and was arrested by Sheriff's deputies without further incident. Refer to **Exhibit A**, inside Homicide Book, **pages 90-91** for his interview summary.

The following witnesses' summary is from their audio portion interview with Sheriff's Homicide Bureau Investigators Guzman and Zumwalt on Wednesday, August 23, 2006.

Pollaro, Donald, Deputy

Deputy Pollaro was at the Suspects' vehicle location. He saw the Suspects running and then stayed focused on Suspect English, the driver of the vehicle. He never heard or saw the officer involved shooting. Refer to **Exhibit A**, inside Homicide Book, **page 66** for his interview summary.

Vande Vegte, Ronald, Deputy

Deputy Vande Vegte was at the Suspects' vehicle location. He saw the Suspects running and stayed focused on Suspect English, the driver of the vehicle. He heard four to five gun shots, but did not see the shooting. Refer to **Exhibit A**, inside Homicide Book, **page 67** for his interview summary.

Gomez, Ted, Deputy

Deputy Gomez was at the Suspects' vehicle location. He saw the Suspects running and stayed focused on Suspect English, the driver of the vehicle. He heard a couple of gun shots, but did not see the shooting. Refer to **Exhibit A**, inside Homicide Book, **page 68** for his interview summary.

Scroggins, Jeff, Lieutenant

Lieutenant Scroggins arrived at the Suspects' vehicle location a minute after Suspects Hines and Smith ran from the vehicle. Lieutenant Scroggins assisted the deputies inside the school area and arrested Suspect Hines. He never heard any gun shots. Refer to **Exhibit A**, inside Homicide Book, **page 69** for his interview summary.

The following witnesses summary is from their audio portion interview with Sheriff's Homicide Bureau Investigators Sergeant Martin Rodriguez and Detective Angus Ferguson on Wednesday, August 23, 2006.

Suarez, George, Deputy

Deputy Suarez was at the Suspects' vehicle location. He saw Suspect Hines run westbound on Flower Street and then climb over the chain link fence and into the school yard. He also saw Suspect Smith run westbound Flower Street and turn onto northbound Virginia Avenue. After watching the Suspects run, he returned his focus to Suspect English, the driver of the vehicle. He heard two gun shots but did not see the shooting. Refer to **Exhibit A,** inside Homicide Book, **pages 91-93** for his interview summary.

Seelhorst, Wilbert, Sergeant

Sergeant Seelhorst was at the Suspects' vehicle location. He saw the Suspects running and stayed focused on Suspect English, the driver of the vehicle. He heard two to three gun shots but did not see the shooting. After the shooting, the deputies at the location arrested Suspect English. Refer to **Exhibit A,** inside Homicide Book, **pages 93-94** for his interview summary.

WITNESS INTERVIEWS CONDUCTED BY HOMICIDE INVESTIGATORS:

The following summary is from the audio portion of the interview with Witness [redacted] and [redacted] conducted by Homicide Bureau Investigators Sergeant Martin Rodriguez and Detective Angus Ferguson on Wednesday, August 23, 2006.

CIVILIAN WITNESSES:

[redacted] Pilot of Sky Knight

On August 23, 2006,Pilot [redacted] was working as the pilot assigned in 130K, Sky Knight helicopter (Lakewood's Aero Unit). Pilot [redacted] is assigned as a civilian pilot employed by the city of Lakewood. Pilot [redacted] heard over the Sheriff's radio that an armed robbery occurred in the Bellflower area. As Pilot [redacted] and his partner Deputy Moore were approaching the robbery location, they heard over the Sheriff's radio that several Lakewood Station deputies were Code 9 behind the Suspects' vehicle at Clark Avenue and Flower Street.

They arrive at the scene of the Code 9 and saw the Suspects' vehicle drive westbound Flower Street, from Clark Avenue and abruptly stop on Flower Street, a short distance west of Clark Avenue. Pilot [redacted] heard from Deputy Moore that the Suspects were running westbound Flower Street. Pilot [redacted] saw the Supsects turn from Flower Street and run northbound Virginia Avenue.

Pilot [redacted] saw a deputy behind the Suspects as they were running on Virginia Avenue, pointing his weapon at them. He described the deputy walking in a "Weaver Stance." Sky Knight was orbiting around Virginia Avenue and Ramona Elementary School area at a height of approximately fifty feet. Pilot [redacted] was looking into the horizon when he heard Deputy Moore broadcast over the Sheriff's radio that the Suspect (Smith) who was running along the west side of Virginia Avenue was reaching into his waistband.

Pilot [redacted] said he heard Deputy Moore broadcast several times that Suspect Smith was reaching into his waistband. Pilot [redacted] was maneuvering Sky Knight and lost sight of the Suspects for a moment and heard three to four gunshots. Pilot [redacted] immediately scanned the gauges of Sky Knight to verify that every instrument was working properly. Pilot [redacted] said he looked down at Suspect Smith and saw him fall down onto the sidewalk area. Pilot [redacted] said it appeared that someone had pulled the rug from underneath Suspect Smith by the way he fell to the sidewalk. Pilot [redacted] realized the Suspect had been shot.

Pilot [redacted] watched the deputies handcuffed Suspect Smith and heard them request the Fire Department to their location. Pilot [redacted] said he turned Sky Knight around so Deputy Moore would have a visual on Suspect Hines who had entered into Ramona Elementary School from eastbound Virginia Avenue and he would have a visual on Suspect Smith. Pilot [redacted] said he kept a visual on Suspect Smith after the shooting because he is also a certified Paramedic and wanted to assist the deputies with any questions they might have about Suspect Smith's injuries and also wanted to direct the Fire Department to the scene. Refer to **Exhibit A**, inside Homicide Book, **page 91** for his interview summary.

[redacted]

On Wednesday, August 23, 2006, Witness [redacted] was traveling eastbound Flower Street, approaching Virginia Avenue, and saw the Suspects running westbound Flower Street from the Suspects' vehicle. Witness [redacted] stopped his car at Flower Street and Virginia Avenue and immediately recognized Suspect Smith because he was reaching into his waistband as if he was trying to retrieve something. Witness [redacted] believed Suspect Smith was trying to retrieve a weapon and shoot at the deputy blocking traffic at Flower Street and Virginia Avenue. Witness [redacted] said he was scared because he did not want to be shot or see a deputy injured.

The Suspects ran westbound Flower Street and turned northbound onto Virginia Avenue. Witness [redacted] saw Suspect Hines run toward the southeast corner of the ball field and continue running into left field. During this incident, Witness [redacted] watched Suspect Smith most of the time because he continued to place his hands near his waist area. Witness [redacted] saw the deputy following Suspect Smith with his gun pointed at Suspect Smith.

As the Deputy was pointing his gun at Suspect Smith, he saw Suspect Smith turn around and face the deputy in a crouching stance with his hands near his waistband. Witness [redacted] thought Suspect Smith was going to shoot the deputy and then heard three to four gunshots. Witness [redacted] saw Suspect Smith fall on the ground and several deputies around him. Witness [redacted] estimated the deputy was between ten to fifteen feet away from Suspect Smith at the time of the shooting. Witness [redacted] saw Suspect Hines running in the park/school area and was later arrested by deputies without further incident. Refer to **Exhibit A,** inside Homicide Book, **page 87-88** for his interview summary.

The following witness was never interviewed by Sheriff Homicide Investigators. He was interviewed by Norwalk Station Detective Robert Renteria #[redacted] at the scene of the shooting and a supplemental report was written by Detective Renteria and given to Investigators Guzman and Zumwalt. Senior District Attorney Investigator Phillip Mayasaki concurred with Homicide Investigators that Witness [redacted] did not need to be re-interviewed. Refer to **Exhibit A,** inside Homicide Book, **pages 36-37** for the Supplemental report detailing Witness Ortiz's observations. **The interview was not recorded.**

[redacted]

On Wednesday, August 23, 2006, Witness [redacted] was standing in his front yard at [redacted] when he saw Sheriff's radio car conducting a traffic stop of the Suspects' vehicle on Flower Street. Witness [redacted] saw two Suspects exited from the rear of the Suspects' vehicle and run westbound Flower Street. Suspect Hines climbed over the chain link fence on Flower Street and ran northeast through the school yard.

Suspect Smith continued to run westbound on Flower Street and then turn northbound onto Virginia Avenue. Witness [redacted] saw several Sheriff's radio cars following Suspect Smith on Flower Street and then exit their cars at Flower Street and Virginia Avenue, following on foot. Witness [redacted] said as Suspect Smith ran northbound on Virginia Avenue, he turned around toward the deputies and stopped. Witness [redacted] said he heard three to five gun shots. Witness [redacted] was not sure how many deputies fired their weapons.

Suspect Smith continued to run northbound Virginia Avenue and then fell on the ground. Witness [redacted] saw deputies handcuffing Suspect Smith without incident. Witness [redacted] was unsure if Suspect Smith had anything in his hands when he turned toward the deputies.

SUSPECT STATEMENT:

The following summary is from the audio portion of the interview with Suspects English, Hines, and Smith with Sheriff's Homicide Investigators Guzman and Zumwalt on Wednesday, August 23, 2006. Refer to **Exhibit A,** inside Homicide Book **pages 71-72** for the Homicide Investigators written summary.

Smith, Suspect

Suspect Smith said he saw a police car behind his vehicle. Suspect Smith told Suspect Hines he was going to run. Suspect Smith exited the vehicle and ran westbound on Flower Street and saw a police car at the intersection of Flower Street and Virginia Avenue. Suspect Smith wanted to get away from the police car so he turned northbound on Virginia Avenue and continued running.

Suspect Smith said he never placed his hands in his pockets or near his waist area. Suspect Smith said he ran with his arms pumping and trying to get away from the police. Suspect Smith did not see any police officers chasing him on foot, but he did see a police car following him as he ran northbound Virginia Avenue. Suspect Smith heard two to three gunshots and felt pain in his legs and fell on the ground.

Suspect Smith thought he was shot in the lower leg area and then realized he was shot in the right thigh and right wrist. After Suspect Smith was shot, he said the deputies checked his pockets and handcuffed him. Suspect Smith did not have any weapons on him. He had the Victim's cell phone and wallet, along with a Monster Cable Cord in his pockets. Suspect Smith said he was treated at the scene by the Fire Department and transported to the hospital. Suspect Smith told investigators that he was involved in the robbery at the Cellular store, but never had a gun.

English, Suspect

Suspect English said when he was stopped by the police, he saw suspects Hines and Smith run. He thought they both climbed over the chain link fence into the school yard. He heard several gunshots but did not see the shooting. He denied any involvement in the armed robbery.

Hines, Suspect

Suspect Hines requested to speak to an attorney and was not interviewed.